

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 8/7/2018 12:00:19 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: FW: Updated Q/A on State Assumption and the Army Memo
Attachments: Revised DRAFT 6 August 2018 Potential 404g Q and A.docx; Memo for COE - Clean Water Act Section 404(g) - Non-Assumable Waters (2018-07-30).pdf; EPA 404G Background and TPs.docx; 404 Assumption Memo (Fact Sheet - DRAFT).docx

The steps in the process are in the Q & A document but are also below.

Q. What steps are involved in a state assuming the section 404 program?

- A: The key steps in state assumption include:
- 1) Pre-Application Dialogue, where a state confers with EPA's Regional office on the assumption requirements and the status of relevant current programs, as well with the Corps District Office on the list of waters to be retained
 - 2) Development of the Application, which includes a letter from the Governor, program management Memoranda of Agreement with the EPA and the Corps, a description of the equivalent state program, and a statement from the state's Attorney General with a legal analysis of the sufficiency of the state's program
 - 3) Review and Approval of the Application, where EPA publishes a notice of the state's proposal for public comment, seeks Federal agency review, holds a public hearing, and documents its review and approval decision

Q: What is the status of Florida's application to assume the program?

A: Florida is well on its way in developing the necessary application materials

EPA has been working closely with Florida as the state prepares to submit their application

We are expecting an application from Florida this fall

From: Goodin, John
Sent: Monday, August 6, 2018 6:45 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
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Folks—consistent with the Acting Administrator's direction, please find an updated Q/A document that includes an item on the basic steps that a state and EPA would follow for assumption of the section 404 program (the update is the new second to last Q/A and a slightly revised last Q/A). Also attaching a copy of the Army memo.

I am also including the documents that we were provided this afternoon (note we did not have a chance to review them and am concerned re some of the representations).

Dave let me know if you would like anything else (though it sounded like you had this issue down pat).

Thanks,
John